THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.Nos.16278 & 20118 of 2005

COMMON ORDER:

These two writ petitions are inter-connected and filed by the same party against the very same respondent, therefore, they are being disposed of by this common order.

In W.P.No.16278 of 2005, the respondent has issued proceedings dated 20.7.2005 accepting the tender submitted by the petitioner and appointing him as Transport Contractor, which is the subject matter of challenge.

It is the case of the petitioner that he filed tender on 15.7.2005 pursuant to the tender notice dated 25.6.2005 for transportation of food grains. By oversight, in the tender, petitioner quoted 0.55 ps. per metric tonne per kilo metre instead of Rs.5.50 ps. Immediately, he realized the mistake and on the same day i.e. 15.7.2005, he gave a letter stating that by oversight he quoted 0.55 ps. per metric tonne per kilo metre which was not his intention and he wanted to quote Rs.5.50 ps. per metric tonne per kilo metre. On the next day also, petitioner gave another representation in this regard. Instead of rejecting the tender of the petitioner, to frustrate the cause, the respondent has accepted the tender and when the petitioner expressed his inability to perform the contract, his tender was cancelled forfeiting his Earnest Money Deposit (EMD) and the petitioner was also blacklisted, which is the subject matter of W.P.No.20118 of 2005.

There is no necessity of going into all the details. It is unfortunate that the tender of the petitioner was accepted by order dated 20.7.2005. Normally speaking, no contractor of prudence could have quoted 0.55 ps. per metric tonne per kilo metre and no officer of prudence could have accepted the same. Asking to perform such a

contract, which is nothing but impossible. Instead of considering the letter of the petitioner dated 15.7.2005, the respondent has arbitrarily passed the impugned order dated 17.8.2005 forfeiting the EMD as well as blacklisting him for future contracts. I am of the opinion that the approach made by the respondent Corporation is pedantic, unreasonable, arbitrary and illegal.

In the result, the writ petitions are allowed and the impugned orders in both the writ petitions dated 20.7.2005 and 17.8.2005 are set aside. The petitioner is entitled for refund of EMD and further he shall not be blacklisted for future contracts. No order as to costs.

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C.V.RAMULU,
J

Date: 26.10.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.Nos.16278 & 20118 of 2005

26.10.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.Nos.16278 & 20118 of 2005

Date: 26th October, 2006

Between:

R.Basava Raj .. Petitioner in both W.Ps.

And

The Vice Chairman and
Managing Director, Andhra Pradesh
State Civil Supplies Corporation Ltd.,

Somajiguda, Hyderabad.

.. Respondent in both W.Ps.